

MONDAY, FEBRUARY 8, 1982

SIXTY-SIXTH LEGISLATIVE DAY

The House met at 6:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Brother Charles Williamson, Church Street Church of Christ, Lewisburg, Tennessee.

Representative Sir led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 91

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Sumner), Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

The Speaker announced that Representative Robertson was excused because of business.

The Speaker announced that Representative Cobb was excused because of death in the family.

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ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 1031; House Resolution No. 95; and House Joint Resolution No. 100; and find same enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bill No. 1031; House Resolution No. 95; and House Joint Resolution No. 100.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, February 8, 1982: Senate Joint Resolutions Nos. 180, 181, 182, 184, 185, 186, 189, 192, 193, 194, House Resolution No. 93, House Joint Resolutions Nos. 283, 284, 286, 287, 288, 290, 291, 292, 299, 302, 304, 307, 312, 313, 315, House Bills Nos. 1429, 1441, 1442, 1447, 1448, 1449, 1473, 1476, 1509, 1533, 1580, 1587, 1623, 1633, 1652, 1534, House Joint Resolutions Nos. 317, 320, 321 and 322.

GILL, Chairman.

RECESS

On motion, the House recessed for the purpose of making a special presentation of Senate Joint Resolution No. 129 to Entertainer Charlie Daniels.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

On motion of Mr. Burnett, the roll call was dispensed with.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

298--Relative to congratulating City of Farragut; concurred in by

the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 298; and find same enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Joint Resolution No. 298.

CALENDAR

House Bill No. 813--To enact the Local Transportation Funding Act.

Mr. Martin moved that House Bill No. 813 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 813 by deleting in paragraph (4) of subsection (b) of Section 2, the words, figures and punctuation "or of tourists within premiere type tourist resort cities as defined in Section 67-3047, Tennessee Code Annotated,".

AND FUTHER AMEND by deleting in subsection (a) of Section 3 the words "Any county, metropolitan government, or incorporated city or town" and by substituting instead the following:

Any county, metropolitan government, or incorporated municipality currently operating, or which may in the future undertake to operate, either by itself or through a transit authority or in cooperation with another municipality, county, or metropolitan government, a public transportation system as defined in Section 2

AND FURTHER AMEND by adding a new section, as following, immediately before the section containing the severability provision:

SECTION ____. The provisions of this act shall apply only to counties, metropolitan governments, or incorporated municipalities which currently operate, or in the future may undertake to operate, either by itself or through a transit authority or in cooperation with another county, metropolitan government, or municipality, a public transportation system as defined in Section 2 of this act.

On motion, the amendment was adopted.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 813 by substituting for the amendatory language in paragraph (1), subsection (b), Section 2, the following:

"Sale" means the transfer or delivery of fuel by any person for resale at a retail filling station for delivery into a motor vehicle or into a container which is equipped or designed to supply fuel directly into the fuel tank or any other tanks affixed to a motor vehicle or to a tank affixed to a trailer or semitrailer designed to be pulled by a licensed motor vehicle; and it also means the importation of fuel by any person into this state in his own conveyance, or by common carrier or otherwise, for the purpose of consumption in a motor vehicle owned, leased or otherwise controlled by him. "Sale" does not include any transfer or delivery of fuel placed into a hand-pump or computer type pump with rigid type nozzle or pressure vessel container for domestic use. A holder of a valid seller license may locate a customer controlled pump at a location other than his primary storage. This fuel shall be carried as part of the inventory of his seller's report and all sales from the pump shall be reported on this report in the manner prescribed by the commissioner. Location of the pump shall be in accordance with rules promulgated by the commissioner.

Gasoline shall be taxed under this act only if the county, municipality, or metropolitan government in which it is purchased has adopted the tax, regardless of where the gasoline purchased for such vehicle is used.

AND FURTHER AMEND in Section 2(b) by deleting paragraphs (2) defining "use", (3) defining "storage", and (6) defining "consume".

AND FURTHER AMEND by deleting in its entirety subsection (c) of Section 3.

AND FURTHER AMEND by deleting subsection (a) of Section 4 by substituting therefor the following:

The Department of Revenue of the State of Tennessee shall collect such tax in the same manner as state tax is collected. The tax

shall be computed on the number of gallons sold within the taxing jurisdiction. Reports required shall be accompanied by a check payable to the Department of Revenue for the amount of tax due. Reports are due on or before the 25th day of the month following month of sale. The department shall remit the proceeds of the tax to the county, metropolitan government, or municipality levying the tax, less a fee for the expense of collecting the tax which shall not be more than nor less than the actual cost of collection. The county, metropolitan government, or municipality shall furnish a certified copy of the adopting resolution or ordinance to the department of revenue within ten (10) days after its adoption, and shall notify the department within ten (10) days of the approval of the resolution or ordinance in a referendum as provided for in this act. The commissioner is authorized to promulgate rules and regulations and prescribe the necessary forms for the collection by the department of the tax authorized by this act. Notice of any tax paid under protest shall be given to the Department of Revenue and suit may be brought for the recovery of any tax paid by a taxpayer pursuant to Section 67-2303 et seq.

AND FURTHER AMEND by deleting paragraph (1) of subsection (b) of Section 4 and by substituting therefor the following:

Any person subject to the provisions of this act who fails or refuses to pay proper tax or to furnish any return or report required to be made or fails or refuses to furnish other data required shall be subject to like penalties for delinquencies as provided in Section 67-3716 and Chapter 1 of Title 67.

AND FURTHER AMEND by deleting paragraph (2) of subsection (b) of Section 4 and by substituting therefor the following:

In the event of delinquency, tax due by reason of this act may be collected by the commissioner under Chapter 60 of this title.

AND FURTHER AMEND in Section 4 by deleting paragraph (3) of subsection (b) and by deleting in their entireties subsection (c) and (d) of Section 4.

AND FURTHER AMEND by deleting Section 10 in its entirety and substituting instead the following:

SECTION 10. The applicable exemptions from taxation set out in Tennessee Code Annotated, Title 67, Chapters 33, 35, 36, and 37 shall likewise be applicable to the tax herein provided.

AND FURTHER AMEND by deleting Section 11 in its entirety and by renumbering Sections 12 and 13 to be Sections 11 and 12 respectively.

On motion, the amendment was adopted.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 813 by deleting the second and third sentences of subsection (a) of Section 2 and substituting instead the following:

The words "fuel", "motor vehicle fuel", and "seller" shall have the same meaning as ascribed to them in Section 67-3702.

AND FURTHER AMEND in Section 3 by deleting the words and punctuation ", distillate, or motor vehicle fuel" in subsection (a) wherever they appear and by deleting the words and punctuation ", distillate, and motor vehicle fuel" in subsection (b) wherever they appear.

Mr. McKinney moved that the Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes	44
Noes	41
Present and not voting	2

Representatives voting aye were: Bewley, Bivens, Brewer, Covington, Davidson, Davis (Gibson), Dills, Disspayne, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McKinney, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Percy, Pruitt, Robinson (Washington), Shirley, Shockley, Sir, Spence, Stafford, Tanner, Turner, Wheeler and Whitson--44.

Representatives voting no were: Akard, Baker, Bell (Knox), Bell (Wilson), Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Davis (Hamilton), DeBerry, DePriest, Duer, Duncan, Frensley, Henry (Roane), Hudson, King (Shelby), McAfee, McNally, Martin, Phillips, Richardson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Smith, Stallings, Sterling, Ussery, Wallace, Webb, Wix, Wolfe, Wood, Work and Yelton--41.

Representatives present and not voting were: Owen and Rhinehart--2.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 813 by deleting subsection (a) of Section 3 in its entirety and substituting instead the following:

Other provisions of the law to the contrary notwithstanding, any county, metropolitan government or incorporated municipality which operates, or in the future may undertake to operate, either by itself or through a transit authority or in cooperation with

another county, metropolitan government, or incorporated municipality, a public transportation system may levy, as provided in Section 7, a special privilege tax on the retail sale of gasoline by every distributor, every dealer and every seller for the privilege of engaging in and carrying on such business within its jurisdiction. Said tax shall be in an amount equal to one cent (~~10~~) on the retail sale of each gallon of gasoline within that jurisdiction, and the liability for the tax shall attach at the point of delivery at a retail filling station. The tax shall be collected as provided in Section 4. It is the intent of the general assembly that the additional amount of tax resulting from the provisions of this act shall not exceed one cent (~~10~~) per gallon, measuring by retail sales, but collected at the point of delivery to the retail dealer.

On motion, the amendment was adopted.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 813 by deleting the words and punctuation ", the sponsoring or promotion of ride-sharing activities and/or the development and maintenance of rural or small urban transportation services or systems" in paragraph (5) "Public transportation services" of subsection (b) of Section 2.

On motion, the amendment was adopted.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 6

Amend House Bill No. 813 by deleting Section 7 in its entirety and substituting instead the following:

SECTION 7.

(a) Any ordinance or resolution of county, municipality, or metropolitan government levying the tax under authority of this act shall not become operative until approved in an election herein provided in the county, municipality, or metropolitan government as the case may be. The county election commission shall hold an election thereon, providing options to vote "FOR" or "AGAINST" the ordinance or resolution, at the next regularly scheduled election within the jurisdiction imposing the tax which occurs at least sixty (60) days after the receipt of a certified copy of such ordinance or resolution, and a majority vote of those voting in the election shall determine whether the ordinance or resolution is to be operative. If the majority vote is for the ordinance or resolution, it shall be deemed to be operative on the date that the county election commission makes its official canvas of the election returns. Provided, however,

that no tax shall be collected under any such ordinance or resolution until the first day of a month occurring at least thirty (30) days after the operative date.

(b) If a county legislative body adopts a resolution to levy the tax that is operative in a municipality in the county, the election under this section to determine whether the county tax is to be operative shall be open only to the voters residing outside of such municipality.

(c) A resolution or ordinance levying the tax authorized may be initiated by petition of the voters in the following manner. The petition shall be addressed to the county legislative body or the governing body of the municipality or metropolitan government requesting that a resolution or ordinance be adopted levying the tax. The petition shall be signed by at least a number of registered voters in the taxing jurisdiction equal to ten percent (10%) of the total number of registered voters in the taxing jurisdiction on the date the petition is filed. Provided, a petition requesting a resolution of the county legislative body may not be signed by a registered voter in a municipality where a tax herein authorized is operative and the registered voters therein shall not be considered in arriving at the required percentage. A petition requesting a resolution shall be filed with the county clerk, a petition requesting an ordinance with the chief clerical officer of the municipality and a photographic copy of the petition shall be filed at the same time with the county election commission who shall be the judges of the sufficiency of the petition. If within thirty (30) days from the filing of a petition a resolution or ordinance is not adopted as requested and a certified copy filed with the county election commission, the petition shall constitute a resolution or ordinance, and the county election commission shall hold an election thereon as in paragraph (a) above.

Mr. Robinson (Davidson) moved to amend Amendment No. 6 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 6

Amend Amendment No. 6 by deleting subsection (b) of Amendment No. 6 and substituting therefor the following new subsection (b):

(b) If a county legislative body adopts a resolution to levy the tax when the tax has previously become operative within a municipality located in the county, the election to determine whether the county tax is to be operative shall be open only to the voters residing outside of the municipality in which the tax had previously become operative.

On motion, Amendment No. 1 to Amendment No. 6 was adopted.

Mr. Gill asked to be recorded as voting "no" on Amendment No. 1 to Amendment No. 6.

Mr. Bragg moved to amend Amendment No. 6 as follows:

AMENDMENT NO. 2 TO AMENDMENT NO. 6

Amend Amendment No. 6 by deleting Section 7 as amended in its entirety and substituting instead the following:

SECTION 7. Such ordinance or resolution authorizing the tax shall be passed three times at three consecutive public meetings, not more than one of which shall be held on any single day, and provided that notice of such meetings and of the fact that this matter is on the agenda of such meetings shall have been published in a newspaper, or newspapers, of general circulation throughout the jurisdiction involved not less than seven (7) days before the first of such meetings.

In the event that a county, metropolitan government, incorporated municipality, or town elects to levy the tax authorized by this act, the ordinance or resolution enacting the same shall specify that the effective date of the tax shall be the first day of the month occurring more than thirty (30) days after its final passage by the governing body of the county, metropolitan government, incorporated municipality or town.

Mr. Robinson (Davidson) moved that Amendment No. 2 to Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes	61
Noes	31
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Buck, Burnett, Carter, Clark (Davidson), Clark (Sumner), Copeland, Crain, Davidson, Davis (Pickett), DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Huskey, Johnson, Kelley, Kent, King (Washington), Love, McAfee, McKinney, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Pickering, Pruitt, Richardson, Robinson (Davidson), Robinson (Washington), Scruggs, Shockley, Sir, Small, Smith, Stafford, Stallings, Tanner, Wallace, Webb, Whitson, Wix, Wolfe, Wood and Yelton--61.

Representatives voting no were: Bragg, Brewer, Byrd, Chiles, Covington, Davis (Gibson), Davis (Hamilton), DeBerry, Dills, Frensey, Gaia, Gill, Hudson, Hurley, Jared, Jones, Kernell, King (Shelby), Lashlee, McNally, Martin, Murphy (Shelby), Rhinehart, Robinson (Hamilton), Severance, Shirley, Spence, Sterling, Turner, Ussery and Withers--31.

Representative present and not voting was: Work--1.

Mr. McKinney moved to amend Amendment No. 6 as follows:

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AMENDMENT NO. 3 TO AMENDMENT NO. 6

Amend Amendment No. 6 by adding a new section which shall read as follows:

"No County or municipality shall be allowed to impose the additional ~~g~~ gas & diesel tax unless they have the full amount of the local sales tax imposed on its citizens as established by the Tennessee Code."

On motion of Mr. McKinney, Amendment No. 3 to Amendment No. 6 was withdrawn.

Mr. Copeland moved the previous question on Amendment No. 6, which motion prevailed by the following vote:

Ayes	73
Noes	20
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ford, Gaia, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Percy, Pickering, Pruitt, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Whitson, Wix, Wolfe and Wood--73.

Representatives voting no were: Bell (Knox), Bragg, Brewer, Byrd, Covington, DeBerry, Frensley, Gill, McKinney, Martin, Murphy (Shelby), Phillips, Rhinehart, Shirley, Smith, Spence, Wheeler, Withers, Work and Yelton--20.

Representative present and not voting was: Owen--1.

Thereupon, on motion, Amendment No. 6, as amended, was adopted.

Mr. Martin asked to be recorded as voting "No" on Amendment No. 6.

Mr. Wallace moved to amend as follows:

AMENDMENT NO. 7

Amend House Bill No. 813 in Section 2(b) (1), as amended, by deleting the word and punctuation "municipality," in the second paragraph thereof.

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AND FURTHER AMEND in Section 3 by deleting the words "or incorporated municipality" in subsection (a).

AND FURTHER AMEND in Section 4 by deleting the words "or municipality" in subsection (a).

AND FURTHER AMEND in Section 5 by deleting the words "or incorporated municipality or town" in paragraph (a) and by deleting paragraph (c) in its entirety.

AND FURTHER AMEND in Section 7 by deleting the word and punctuation ", municipality," in subsection (a); by deleting subsection (b) in its entirety; by deleting the words "municipality or" in subsection (c); by deleting the fourth sentence of subsection (c); by deleting the words "a petition requesting an ordinance with the chief clerical officer of the municipality" from the fifth sentence of subsection (c).

AND FURTHER AMEND in Section 9, by deleting the words "or incorporated municipality".

AND FURTHER AMEND in Section 11, as amended, by deleting the words "or incorporated municipality" and "or municipality".

On motion, the amendment was adopted.

Mr. Carter asked to be recorded as voting "No" on Amendment No. 7.

Mr. Martin moved to amend as follows:

AMENDMENT NO. 8

Amend House Bill No. 813 by changing the effective date of "July 1, 1981" to read "May 1, 1982".

On motion, the amendment was adopted.

Mr. Wallace moved to amend as follows:

AMENDMENT NO. 9

Amend House Bill No. 813 by adding a new section immediately before the effective date section, to be numbered appropriately, as follows:

SECTION _____. Any funds raised through the provisions of this act shall ~~be~~ used solely to maintain present levels of service and to extend the areas presently served with public transportation. It shall not be utilized to increase present levels of compensation of personnel.

Any funds raised under the provisions of this act shall be accounted for separately and a report made annually to the governing body of the jurisdiction imposing the tax on their expenditure.

On motion, the amendment was adopted.

Mr. Henry (Roane) moved to amend as follows:

AMENDMENT NO. 10

Amend House Bill No. 813 by adding a new section immediately before the effective date section, as follows:

SECTION ____. The tax imposed by this act shall not apply to gasoline or diesel fuel sold for agricultural purposes and exempt from taxation under the provisions of Tennessee Code Annotated, Title 67, Chapter 36 or Section 67-3718.

Mr. McKinney moved that Amendment No. 10 be tabled, which motion failed.

Thereupon, on motion, Amendment No. 10 was adopted.

Mr. Henry (Roane) moved the previous question, which motion prevailed by the following vote:

Ayes	83
Noes	5

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, and Mr. Speaker McWherter--83.

Representatives voting no were: Dills, Gill, Small, Smith, and Turner--5.

Thereupon, House Bill No. 813, as amended, passed its third and final consideration by the following vote:

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Ayes	71
Noes	25
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Carter, Clark (Sumner), Copeland, Covington, Davis (Hamilton), Davis (Pickett), DeBerry, Dispayne, Duer, Duncan, Ellis, Ford, Frenslley, Gaia, Harrill, Henry (Blount), Henry (Roane), Hillis, Huskey, Jared, Jones, Kent, Kernell, King (Shelby), Love, McAfee, McKinney, McNally, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Owen, Pickering, Pruitt, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Smith, Spence, Stafford, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --71.

Representatives voting no were: Buck, Chiles, Clark (Davidson), Crain, Davidson, Davis (Gibson), Dills, Gill, Hudson, Hurley, Johnson, Kelley, King (Washington), Lashlee, Montgomery, Moore, Naifeh, Percy, Phillips, Rhinehart, Shirley, Small, Stallings, Turner and Whitson--25.

Representative present and not voting was: DePriest--1.

A motion to reconsider was tabled.

At the request of Mr. Small, the following was spread upon the Journal.

**MEMPHIS AREA TRANSIT AUTHORITY
PERMANENT FUNDING OR PERMANENT TAXING,
THERE IS NO DIFFERENCE**

For the past two or three years, repeated efforts have been made to persuade the State Legislature to pass enabling Legislation for a two (\$.2) cent per gallon gas tax to provide some eight (8,000,000) million dollars in "permanent funding" for Memphis Area Transit Authority.

As a member of the State House of Representatives, I have opposed this "permanent funding", or, as it would be more appropriately called "permanent taxing" for the continued support of the bus system that admittedly is bankrupt and going deeper into the hole every day.

We need public transportation and I could consider any workable measure to assist MATA if MATA itself could and would put its own house in order, but apparently they have given up.

We are presently paying an out of town management firm over \$300,000.00 per year to manage our bus system. This company is highly regarded and operates transit systems in other large cities however, most of these cities have been sold on the need for passing local

taxing measures to support their operation. It seems just possible that this management company's greatest talent and success is in lobbying for higher taxes instead of cutting expenses and improving efficiency in the operation of their bus system. Perhaps we could do without their talents and save this one-third million dollars each year at the same time.

The transit union's position is also hard to justify or understand. At a time when local plant employees at International Harvester, Firestone and others are agreeing to renegotiate their contracts, and take pay cuts because their companys and their jobs are in jeopardy, why does the bus union refuse even to talk about the problem. Why should employees of private companys have to suffer the loss of pay raises and even take pay cuts when governmental employees arrogantly refuse to do so? What justice is there in taxing the gas that Firestone and Harvester employees buy to pay salaries for bus company employees under these circumstances?

Beginning city bus drivers average over \$20,000.00 annually while teachers, who must have a four (4) year college degree, fireman and policeman make several thousand dollars less. Nor can the fuel costs be blamed for MATA's plight. Of their \$20,000,000.00 budget this year, less than one-fourth (1/4) went for fuel costs and the \$5,000,000.00 in tax revenue given to MATA by City Government was enough to pay for their total years fuel costs. Three-fourths (3/4) of the budget goes for salaries and fringe benefits which including overtime, pays some bus drivers over \$30,000.00 per year.

It costs our bus system \$1.04 per passenger mile to operate our bus system but our citizens can, and do, operate their personal cars for a small fraction of that amount. This apparently results from running virtually empty buses at times and in areas where they are not needed. If we cave in to the bus company and pass this tax bill, the operation of our bus system will never improve and their requests, or demands for more tax revenue will never end either.

Since our bus system and its management company are going downhill in the wrong direction, what is needed is not just bundles of tax money but a change in direction. Why not invite private transportation companies to offer proposals to provide their own buses and bus service for Memphis? We could then establish bus routes in areas where its needed and would be used. This would reduce the number of buses running empty and help make the system self-supporting.

When our "leaders" ask which do we want, a higher property tax or a higher gas tax?, the answer is neither! What we want and what we are entitled to is more efficiency and less waste in government.

I have all due respect for our local leaders who are pushing this tax measure and sympathize fully with their problems, however, we in the Legislature are elected to represent the best interest of all the people and not merely take orders or bow to pressure from other

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elected politicians. In this instance there is not enough evidence to justify this additional tax and I will do everthing possible to defeat it.

REP. NEAL SMALL

House Bill No. 1350--To make certain provisions, health insurance claims.

Mr. Naifeh moved that House Bill No. 1350 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

House Bill No. 16--To define voting rights, certain county officials.

On motion, House Bill No. 16 was made to conform with Senate Bill No. 111.

On motion, Senate Bill No. 111, on same subject, was substituted for House Bill No. 16.

Mr. Rhinehart moved that Senate Bill No. 111 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 111 by deleting Section 1 in its entirety and substituting instead the following language as a new Section 1:

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Section 1. Tennessee Code Annotated, Section 5-5-109, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) If the chairman of the county legislative body is elected from the membership of such body, then the chairman may vote upon any matter upon which the body may lawfully act. If, however, the chairman of the county legislative body is the county executive or the county judge, then the chairman may only vote if the members of the county legislative body are equally divided upon any matter coming before them upon which they may lawfully act.

Mr. Johnson moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting the second sentence in its entirety by subsection (b) in section 1.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted by the following vote:

Ayes	89
Noes	1
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work and Yelton--89.

Representative voting no was: Mr. Speaker McWherter--1.

Representative present and not voting was: Frensley--1.

Thereupon, Senate Bill No. 111, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	3
Present and not voting	1

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Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work and Yelton--91.

Representatives voting no were: Chiles, Naifeh and Mr. Speaker McWherter--3.

Representatives present and not voting: Frensley--1.

A motion to reconsider was tabled.

CONSENT CALENDAR

OBJECTION

An objection was filed to the following resolution on the Consent Calendar:

Mr. Owen objected to House Resolution No. 93.

Under the rules, House Resolution No. 93 was placed at the foot of the Calendar for Wednesday, February 10, 1982.

Senate Joint Resolution No. 180--Relative to memory, Leon Gilbert.

Senate Joint Resolution No. 181--Relative to changing date, certain benefits, students.

Senate Joint Resolution No. 182--Relative to memory, Dryden Fleenor.

Senate Joint Resolution No. 184--Relative to memory, John C. Crawford, Jr.

Senate Joint Resolution No. 185--Relative to honoring the late Charles Faulkner Bryan.

Senate Joint Resolution No. 186--Relative to congratulating Thomas B Avery.

Senate Joint Resolution No. 189--Relative to honoring former Senator Johnny Crow.

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Senate Joint Resolution No. 192--Relative to honoring Joe David McBee.

Senate Joint Resolution No. 193--Relative to honoring Mrs. Martha Sue Elkins.

Senate Joint Resolution No. 194--Relative to memory, Charles C. Keener.

House Joint Resolution No. 283--Relative to commending, James Lee Case.

House Joint Resolution No. 284--Relative to honoring Charles M. "Bubber" Murphy.

House Joint Resolution No. 286--Relative to appreciation, W. R. Kinton, Jr.

House Joint Resolution No. 287--Relative to congratulating Dr. James M. Hudgins.

House Joint Resolution No. 288--Relative to honoring "Curly" Fox.

House Joint Resolution No. 290--Relative to commending Claude E. Grider.

House Joint Resolution No. 291--Relative to memory, Allie Smith

House Joint Resolution No. 292--Relative to memory, Berl Olswanger.

House Joint Resolution No. 299--Relative to commanding adoption, Four-Way Test, Rotary International.

House Joint Resolution No. 302--Relative to honoring Sisters of Mercy.

House Joint Resolution No. 304--Relative to congratulating Coach Ron Gratz and Webb High School football team.

House Joint Resolution No. 307--Relative to honoring Colonel William Delaney.

House Joint Resolution No. 312--Relative to memory, John C. Crawford, Jr.

House Joint Resolution No. 313--Relative to honoring Dr. Robert H. Harvey.

House Joint Resolution No. 315--Relative to honoring Chancellor Heard.

House Bill No. 1429--To amend Charter, Alexandria.

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House Bill No. 1441--To regulate Knox County School Board.

On motion, House Bill No. 1441 was made to conform with Senate Bill No. 1496.

On motion, Senate Bill No. 1496, on same subject, was substituted for House Bill No. 1441.

House Bill No. 1442--To fix compensation, property assessor, Knox County.

On motion, House Bill No. 1442 was made to conform with Senate Bill No. 1505.

On motion, Senate Bill No. 1505, on same subject, was substituted for House Bill No. 1442.

House Bill No. 1447--To amend Charter, Brighton.

House Bill No. 1448--To amend Charter, Mason.

House Bill No. 1449--To amend Charter, Huntingdon Special School District.

House Bill No. 1473--To impose certain privilege taxes.

House Bill No. 1476--To assess litigation tax, certain courts.

House Bill No. 1509--To regulate the Huntingdon School District.

House Bill No. 1533--To regulate Board of Education, Coffee County.

House Bill No. 1580--To provide for audit of accounts, Crossville.

House Bill No. 1587--To impose certain privilege taxes, Pickett County.

House Bill No. 1623--To provide a director of air pollution program in Knox County.

House Bill No. 1633--To change Board of Education, Bledsoe County.

House Bill No. 1652--To make certain provisions, County Clerk, Blount County.

House Bill No. 1534--To regulate Highway Commission, Coffee County.

House Joint Resolution No. 317--Relative to honoring William Walker.

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House Joint Resolution No. 320--Relative to congratulating Coach Flatt, Brentwood Academy.

House Joint Resolution No. 321--Relative to congratulating Coach Coutras, Overton High School.

House Joint Resolution No. 322--Relative to memory, Dr. Don Sahli.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

Mr. Henry (Roane) moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 213 out of order, which motion prevailed.

Senate Joint Resolution No. 213--Relative to Governor's Forum on United States/Japan opportunities.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Henry (Roane), the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Clark (Davidson) moved that the rules be suspended for the purpose of introducing House Resolution No. 96 out of order, which motion prevailed.

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House Resolution No. 96--Relative to congratulating Dixie Youth baseball team--By Clark (Davidson) and Covington.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Clark (Davidson), the resolution was adopted.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1170--To amend Title 25, Chapter 1, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1170 by deleting Section 2 in its entirety and substituting in lieu thereof the following:

SECTION 2. This act shall take effect on July 1, 1982, the public welfare requiring it.

Mr. Wheeler moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

Mr. Brewer moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 327 out of order, which motion prevailed.

House Joint Resolution No. 327--Relative to congratulating Catania Gregory--By Brewer and King (Shelby).

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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Brewer, the resolution was adopted.

A motion to reconsider was tabled.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

INTRODUCTION OF RESOLUTION

House Joint Resolution No. 324--Relative to federal block grants--By Brewer and King (Shelby).

The Speaker referred House Joint Resolution No. 324 to the Committee Finance, Ways and Means.

INTRODUCTION OF BILLS

House Bill No. 1801--To provide for Referendum, Dresden--By Mr. Speaker McWherter.

Passed first consideration.

House Bill No. 1802--To amend Section 8-21-901, Code--By Starnes.

Passed first consideration.

House Bill No. 1803--To amend Title 2, Chapter 13, Part 3, Code--By Murphy (Davidson).

Passed first consideration.

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House Bill No. 1804--To set method of nominating executive committees of political parties--By Murphy (Davidson).

Passed first consideration.

House Bill No. 1805--To amend Title 64, Chapter 11, Code--By Murphy (Davidson).

Passed first consideration.

House Bill No. 1806--To regulate licenses of auctioneers--By Phillips.

Passed first consideration.

House Bill No. 1807--To amend conflict of interest law--By Phillips.

Passed first consideration.

House Bill No. 1808--To authenticate certain instruments, legal entities--By Miller.

Passed first consideration.

House Bill No. 1809--To allow open bids, certain counties--By Hudson.

Passed first consideration.

House Bill No. 1810--To regulate motor vehicle tax--By Hudson.

Passed first consideration.

House Bill No. 1811--To provide mechanism, certain claims, petroleum products--By Naifeh and Frensley.

Passed first consideration.

House Bill No. 1812--To allow filling of vacancy, state senate--By Naifeh, Tanner, and Wallace.

Passed first consideration.

House Bill No. 1813--To define duties, certain persons convicted of infamous crimes--By Naifeh, Tanner and Wallace.

Passed first consideration.

House Bill No. 1814--To define power, representative, surviving spouse--By Naifeh and Tanner.

Passed first consideration.

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House Bill No. 1815--To define voter qualifications, Crossville--By Duer and Jared.

Passed first consideration.

House Bill No. 1816--To set privilege tax, Cumberland County--By Duer and Jared.

Passed first consideration.

House Bill No. 1817--To amend Sections 67-3302 and 67-3703, Code--By Hurley, Carter, Robinson (Davidson), Baker, Henry (Roane), Stafford, and Robertson.

Passed first consideration.

House Bill No. 1818--To amend Medical Assistance Act--By Wood, Carter and Henry (Roane).

Passed first consideration.

House Bill No. 1819--To amend Section 40-3630, Code--By Wood, Carter, Henry (Roane), Smith and McAfee.

Passed first consideration.

House Bill No. 1820--To credit certain gasoline tax, Wildlife Resources fund--By Hillis, Stallings, Carter and Johnson.

Passed first consideration.

House Bill No. 1821--To regulate dentistry training programs, Meharry Medical College--By Brewer and King (Shelby).

Passed first consideration.

House Bill No. 1822--To regulate certain investigations, higher education institutions--By Brewer and King (Shelby).

Passed first consideration.

House Bill No. 1823--To regulate commissions received for handling school funds--By Brewer, DeBerry and King (Shelby).

Passed first consideration.

House Bill No. 1824--To make certain provisions, block health care grants--By Brewer, DeBerry and King (Shelby).

Passed first consideration.

House Bill No. 1825--To amend Shelby County Restructure Act--By Gill.

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Passed first consideration.

House Bill No. 1826--To set compensation, general sessions judge, Sumner County--By Wix and Clark (Sumner).

Passed first consideration.

House Bill No. 1827--To provide for specific fees, sheriffs and constables--By Scruggs and Smith.

Passed first consideration.

House Bill No. 1828--To regulate contracts, governmental agencies--By Tanner, Martin, Naifeh, Covington, Clark (Sumner), Hudson, Kent, Smith, Wix, Johnson, Wheeler, Jared, Bivens, Duer, DeBerry, Bell (Knox), Severance, Percy, Davis (Hamilton), Richardson, Lashlee, Work, Byrd, Crain, Davidson, Murray, Robertson, Stallings, Starnes, Hillis, Miller, Henry (Roane), Sterling, Webb, McNally, Huskey, Shockley, Dills, Spence, Baker, Ford, Bewely, Scruggs, Chiles, Shirley, Murphy (Shelby), Ussery, Robinson (Davidson), Carter, McAfee, Love, Stafford, Bell (Wilson), Owen, Wallace, Kelley, Gill, Gaia, Brewer, Rhinehart, Kernell, Clark (Davidson), Phillips and Mr. Speaker McWherter.

Passed first consideration.

House Bill No. 1829--To change descriptions, state representative districts--By Bell (Knox).

Passed first consideration.

House Bill No. 1830--To change descriptions, state senatorial districts--By Bell (Knox).

Passed first consideration.

House Bill No. 1831--To regulate certain suits against municipal corporations--By Bell (Knox).

Passed first consideration.

House Bill No. 1832--To make certain provisions, uninsured motor vehicle coverage--By Bell (Knox).

Passed first consideration.

House Bill No. 1833--To provide for expunction, certain public records--By Bell (Knox).

Passed first consideration.

House Bill No. 1834--To regulate distribution of certain funds to municipalities--By Huskey.

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Passed first consideration.

House Bill No. 1835--To expand membership, Higher Education Commission--By Owen.

Passed first consideration.

House Bill No. 1836--To increase penalty, driving while intoxicated--By Martin, Henry (Blount), Wood, Whitson, Wallace, Bivens, McNally, Kent, Clark (Sumner), Hurley, Yelton, Gill, Huskey, Turner, Jared, Rhinehart, Davidson, Sterling, Small, Moore, Byrd, King (Shelby), Shirley, Sir, Duer, Ford, Kernell, Frensley, Davis (Pickett), Shockley, McAfee, Stafford, Kelley, Baker, Robinson (Davidson), Wheeler, Phillips, Dills, Crain, Hillis, Stallings, Harrill, Akard, Montgomery, King (Washington), Robinson (Washington), Bragg, Covington, DePriest, Owen and Miller.

Passed first consideration.

House Bill No. 1837--To establish toll free telephone number, reporting governmental abuse--By Sir, Johnson, Miller, Owen, Ellis, Richardson, Naifeh, Murphy (Davidson), Wheeler, Shirley, Martin, Dills, Davis (Gibson) and Carter.

Passed first consideration.

House Bill No. 1838--To amend Section 7-54-101, Code--By Davis (Hamilton), Murphy (Davidson), Starnes, Byrd, Robinson (Hamilton), Wood and Gill.

Passed first consideration.

House Bill No. 1839--To include coal within definition of project--By Davis (Hamilton), Murphy (Davidson), Starnes, Robinson (Hamilton), Ellis, Wood, Byrd and Gill.

Passed first consideration.

House Bill No. 1840--To change loan requirements--By Davis (Hamilton), Murphy (Davidson), Starnes, Robinson (Hamilton), Ellis and Wood.

Passed first consideration.

House Bill No. 1841--To change State Credit Union Share Insurance Corporation--By Davis (Hamilton), Murphy (Davidson), Starnes, Robinson (Hamilton), Ellis and Wood.

Passed first consideration.

House Bill No. 1842--To define terms, tax imposed on income from stocks and bonds--By Davis (Hamilton) and Tanner.

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Passed first consideration.

House Bill No. 1843--To authorize lenders to charge interest for the same class of loans--By Davis (Hamilton) and Tanner.

Passed first consideration.

House Bill No. 1844--To regulate interest rates on life insurance policy loans--By Davis (Hamilton).

Passed first consideration.

House Bill No. 1845--To permit bids state building construction--By Montgomery, Hurley, Yelton, Akard, Whitson, Bewley, Robinson (Washington), King (Washington) and Percy.

Passed first consideration.

House Bill No. 1846--To create massage registration board--By Wood, McAfee, Robinson (Hamilton), Carter and Davis (Hamilton).

Passed first consideration.

House Bill No. 1847--To change fee paid sheriff's concerning delinquent tax matters--By Wood, McAfee, Robinson (Hamilton), Carter, Starnes and Davis (Hamilton).

Passed first consideration.

House Bill No. 1848--To provide credit for Tennessee Consolidated Retirement System--By Hillis.

Passed first consideration.

House Bill No. 1849--To provide appropriations to complete water resources study--By Hillis.

Passed first consideration.

House Bill No. 1850--To require motor vehicle liability insurance coverage--By Covington.

Passed first consideration.

House Bill No. 1851--To change the forty-fourth and forty-fifth state representative districts--By Clark (Sumner) and Wix.

Passed first consideration.

House Bill No. 1852--To amend Section 37-204, Code--By Cobb.

Passed first consideration.

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House Bill No. 1853--To amend Sections 3-7-109 and 8-6-109, Code--By Cobb.

Passed first consideration.

House Bill No. 1854--To amend Section 37-279, Code--By Cobb.

Passed first consideration.

House Bill No. 1855--To make certain provisions, notice of land foreclosure sale--By Cobb.

Passed first consideration.

House Bill No. 1856--To provide for staff, Council of Juvenile Court Judges--By Cobb.

Passed first consideration.

House Bill No. 1857--To amend Title 67, Code--By Cobb.

Passed first consideration.

House Bill No. 1858--To amend Titles 5 and 7, Code--By Cobb.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 1416--To preserve historic zones and districts.

Passed first consideration.

Senate Bill No. 1447--To amend Section 37-234, Code.

Passed first consideration.

Senate Bill No. 1474--To amend Section 13-23-128, Code.

Passed first consideration.

Senate Bill No. 1576--To regulate possession, certain weapons, educational facilities.

Passed first consideration.

Senate Bill No. 1579--To amend Section 54-11-308, Code.

Passed first consideration.

SENATE BILLS ON SECOND CONSIDERATION

Senate Bill No. 1162--To amend "The Dog and Cat Humane Death Act."

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Passed second consideration and referred to Committee on Agriculture.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1732--To regulate election offices, certain counties.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1733--To regulate highway users fuel tax.

Passed second consideration and referred to Committee on Transportation.

House Bill No. 1734--To regulate abandoned vehicles.

Passed second consideration and referred to Committee on Transportation.

House Bill No. 1735--To regulate sale of gasoline.

Passed second consideration and referred to Committee on Commerce.

House Bill No. 1736--To authorize mechanic's and materialmen's liens.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1737--To incorporate Silerton, Hardeman County.

Passed second consideration and held without reference.

House Bill No. 1738--Supplemental Appropriations Bill.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1739--General Appropriations Bill.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1740--To authorize issuance, certain bonds.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1741--To regulate motor vehicle windows.

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Passed second consideration and referred to Committee on Transportation.

House Bill No. 1742--To continue funding, certain judicial circuits.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1743--To change certain senate districts.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1744--To require odometer readings on certain certificates.

Passed second consideration and referred to Committee on Transportation.

House Bill No. 1745--To regulate Board of Education, Lauderdale County.

Passed second consideration and held without reference.

House Bill No. 1746--To require salary setting, Warren County auditor.

Passed second consideration and held without reference.

House Bill No. 1747--To regulate surety, criminal bail bond.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1748--To regulate coon dog training, Lake County.

Passed second consideration and referred to Committee on Conservation and Environment.

House Bill No. 1749--To define West Tennessee Tributaries Project.

Passed second consideration and referred to Committee on Conservation and Environment.

House Bill No. 1750--To regulate in-school suspension.

Passed second consideration and referred to Committee on Education.

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House Bill No. 1751--To regulate Tennessee Housing Development Agency.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1752--To regulate and control billboards.

Passed second consideration and referred to Committee on Commerce.

House Bill No. 1753--To regulate retirement benefits, certain employees.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1754--To amend Title 4, Chapter 29, Part 2, Code.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1755--To provide for cost bond for court cost.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1756--To amend Title 2, Chapter 13, Code.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1757--To enact "Tennessee Dram Shop Act of 1982".

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1758--To provide for closed season, foxes.

Passed second consideration and referred to Committee on Conservation and Environment.

House Bill No. 1759--To define health and educational facility corporations.

Passed second consideration and referred to Committee on General Welfare.

House Bill No. 1760--To set requirements, certain constables.

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Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1761--To apportion state senatorial districts.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1762--To interchange general sessions judges.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1763--To define "contracting".

Passed second consideration and referred to Committee on Commerce.

House Bill No. 1764--To create finance and budget committee, Greene County.

Passed second consideration and held without reference.

House Bill No. 1765--To authorize tax on certain products, Unicoi County.

Passed second consideration and held without reference.

House Bill No. 1766--To regulate operation of watercraft, Nolichucky River.

Passed second consideration and held without reference.

House Bill No. 1767--To regulate board of equalization, Unicoi County.

Passed second consideration and held without reference.

House Bill No. 1768--To regulate school districts, Grainger County.

Passed second consideration and held without reference.

House Bill No. 1769--To make certain provisions, eminent domain.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1770--To regulate Jefferson County Board of Education.

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Passed second consideration and held without reference.

House Bill No. 1771--To regulate coon dog training, in certain counties.

Passed second consideration and referred to Committee on Conservation and Environment.

House Bill No. 1772--To regulate wildlife and boating safety laws.

Passed second consideration and referred to Committee on Conservation and Environment.

House Bill No. 1773--To amend Title 29, Chapter 5, Code.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1774--To regulate county executive, Montgomery County.

Passed second consideration and held without reference.

House Bill No. 1775--To increase term, constable, of certain counties.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1776--To set compensation, assistant district attorneys general, Knox County.

Passed second consideration and held without reference.

House Bill No. 1777--To regulate crimes involving children.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1778--To regulate benefits for widows, confederate soldiers.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1779--To regulate parking privileges for handicapped persons.

Passed second consideration and referred to Committee on General Welfare.

House Bill No. 1780--To regulate handicapped drivers.

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Passed second consideration and referred to Committee on General Welfare.

House Bill No. 1781--To authorize four and one-half percent retail sales tax.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1782--To provide payment, certain litigation taxes.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1783--To regulate uninsured motorist insurance.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1784--To set consequences, conviction infamous crime.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1785--To set penalties, sex offenses.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1786--To sentence convicted criminal defendants.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1787--To enact Enterprise Zone Program.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1788--To set punishment, solicitation of prostitution.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1789--To require restitution, conviction food stamp fraud.

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Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1790--To amend Section 8-21-701 (57), Code.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1791--To amend Section 65-520, Code.

Passed second consideration and referred to Committee on Commerce.

House Bill No. 1792--To make certain provisions, automobile insurance.

Passed second consideration and referred to Committee on Commerce.

House Bill No. 1793--To set compensation, general sessions judges, Blount County.

Passed second consideration and held without reference.

House Bill No. 1794--To regulate sale of petroleum products.

Passed second consideration and referred to Committee on Commerce.

House Bill No. 1795--To amend Section 8-7-107, Code.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1796--To amend Title 49, Chapter 33, Code

Passed second consideration and referred to Committee on Education.

House Bill No. 1797--To amend Section 62-2124, Code.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1798--To make certain provisions, election process.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1799--To reimburse prisoners for certain costs.

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Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1800--To exempt certain vessel and barge repairs from sales tax.

Passed second consideration and referred to Committee on Finance, Ways and Means.

SPONSOR ADDED

Without objection, the rules were suspended to allow the following member to add his name as sponsor to the resolution as indicated below, the prime sponsor having agreed to such addition:

House Joint Resolution No. 299--Baker

MOTIONS

On motion of Mr. Crain House Bill No. 1507 was recalled from the Committee on Finance, Ways and Means.

On motion of Mr. Crain, House Bill No. 1507 was withdrawn from the House.

On motion of Mr. Robinson (Davidson), his name was removed as sponsor of House Bill No. 1824.

On motion of Mr. Murray, his name was removed as sponsor of House Bill No. 1828.

On motion of Mr. Phillips, his name was removed as sponsor of House Bill No. 1828.

On motion of Mr. Ussery, his name was removed as sponsor of House Bill No. 1828.

On motion of Mr. Martin, his name was removed as sponsor of House Bill No. 1828.

On motion of Mr. Bell (Wilson), his name was removed as sponsor of House Bill No. 1828.

On motion of Mr. Crain, his name was removed as sponsor of House Bill No. 1828.

On motion of Mr. Work, his name was removed as sponsor of House Bill No. 1828.

On motion of Ms. Duer, her name was removed as sponsor of House Bill No. 1828.

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On motion of Mr. Webb, his name was removed as sponsor of House Bill No. 1828.

On motion of Mr. Bewley, his name was removed as sponsor of House Bill No. 1828.

On motion of Mr. Clark (Sumner), his name was removed as sponsor of House Bill No. 1828.

On motion of Mr. Wix, his name was removed as sponsor of House Bill No. 1828.

On motion of Mr. Hillis, his name was removed as sponsor of House Bill No. 1828.

On motion of Mr. Speaker McWherter, his name was removed as sponsor of House Bill No. 1828.

On motion of Mr. Sterling, his name was removed as sponsor of House Bill No. 1828.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

318--Relative to honoring Frank Crosslin, Sr.; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

188--Relative to continued study, state's energy policy;

195--Relative to memory, Roy Wilkins;

197--Relative to sympathy, Walter Stokes, Jr.;

198--Relative to congratulating Clinton High School Marching Band;

201--Relative to endorsing Strength Through Peach Coalition;

202--Relative to commending Senator Johnny V. Crow;

203--Relative to memory, John Cox;

206--Relative to memory, Edward Spitzer;

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207--Relative to appreciation, Len G. Broughton, Jr.;

209--Relative to commending H. David Cate; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1522--To regulate energy production facility;

1523--To amend energy production facility;

1584--To regulate meetings, local board of education;

1619--To regulate in-school suspension; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, February 10, 1982: House Bills Nos. 687, 1464 and 1443.

GILL, Chairman.

On motion of Mr. Burnett, the House adjourned until 2:00 p.m., Wednesday, February 10, 1982.